

PTO/SB/52 (12-97)

Approved for use through 8/30/00. OMB 0851-0033

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>REISSUE APPLICATION DECLARATION BY THE ASSIGNEE</b>		Docket Number (Optional) 11899.0175.REUS07
<p>I hereby declare that:</p> <p>My residence, post office address and citizenship are stated below next to my name.</p> <p>I am authorized to act on behalf of the following company: Monsanto Technology LLC</p> <p>and the title of my position with said company is: Intellectual Property Counsel</p> <p>The entire title to the patent identified below is vested in said company.</p>		
<p>Name of Patentee(s):</p> <p><b>Gerard F. Barry</b>            Address: 5555 Pershing Avenue, No. 2E            St. Louis, MO 63112            Country of Citizenship: United States</p> <p><b>Ganesh M. Kishore</b>            Address: 11966 Sackston Ridge Drive            Creve Coeur, MO 63141            Country of Citizenship: United States</p> <p><b>Stephen R. Padgett</b>            Address: 17655 Vintage Oak Drive            Wildwood, Missouri 63038            Country of Citizenship: United States</p> <p><b>William C. Stallings</b>            Address: 19165 Old Logging Road            Wildwood, Missouri 63038            Country of Citizenship: United States</p>		
Patent Number	Date Patent Issued	
U.S. Patent No. 5,633,435	May 27, 1997	
Title of Invention		
Glyphosate-Tolerant 5-Enolpyruvylshikimate-3-Phosphate Synthases		

DM\_US8235423.v1

I believe said patentee(s) to be the original, first and sole inventor of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled \_\_\_\_\_  
Glyphosate-Tolerant 5-Enolpyruvylshikimate-3-Phosphate Synthases

the specification of which

- is attached hereto.
- was filed on July 18, 2003 as reissue application number 10/622,201  
and was amended on March 2, April 25, and June 8, 2005.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

- by reason of a defective specification or drawing.
- by reason of the patentee claiming more or less than he had the right to claim in the patent.
- by reason of other errors.

At least one error upon which reissue is based is described as follows:

U.S. Patent No. 5,633,435 included claims that grouped together subject matter first disclosed in different parent applications and, therefore, having different effective filing dates. For example, issued claim 7 grouped together SEQ ID NOS. 2, 4, 6, 41 and 43. SEQ ID NOS. 2, 4 and 6 were disclosed in the earliest parent application Serial No. 07/576,537, filed August 31, 1990, whereas SEQ ID NOS. 41 and 43 were first disclosed in parent application Serial No. 08/306,063, filed September 13, 1994. In order to correct this error, claims were amended so that SEQ ID NOS. 2, 4 and 6 were claimed separately from SEQ ID NOS. 41 and 43, thus ensuring that each SEQ ID NO. obtains the benefit of its earliest effective filing date.

Although identification of only one error is required, claims in this reissue application are also amended to correct the classification of certain sequences as DNA sequences, and not amino acid sequences.

All errors corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

[Page 2 of 3]

DM\_USW235425.v1

PTO/SB/52 (12/97)

Approved for use through 9/30/00. OMB 0651-0033  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE ASSIGNEE, page 2)	Docket Number (Optional) 11899.0175.REUS07
---	---

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s)	Registration Number
Janelle D. Waack	36,300
Patricia A. Kammerer	29,775
Grace L. Bonner	32,963

<input checked="" type="checkbox"/> Customer Number	45607	→	Place Customer Number Bar Code Label here
Type Customer Number here			

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Janelle D. Waack Howrey LLP				
Address	750 Bering Dr.				
Address					
City	Houston	State	Texas	ZIP	77057-2198
Country	United States of America				
Telephone	1.713.787.1686	Fax	1.713.787.1440		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)

Grace L. Bonner

Signature		Date	Sept 20, 2005
-----------	---	------	---------------

Residence	1527 View Woods Drive Kirkwood, MO. 63122	Citizenship	USA
-----------	--	-------------	-----

Post Office Address	Monsanto Technology LLC, 800 N. Lindbergh Blvd., St. Louis, MO 63167
---------------------	--

[Page 3 of 3]

DM\_US\8255425 v1

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****In re Reissue Application of:**

Barry et al.

Serial No. 10/622,201

Patent No.: 5,633,435

Issued: May 27, 1997

For: GLYPHOSATE-TOLERANT 5-  
ENOLPYRUVYLSHIKIMATE-3-  
PHOSPHATE SYNTHASES

Atty. Dkt. No.: 11899.0175.REUS07

**STATEMENT UNDER 37 C.F.R. § 3.73(b) AND  
CONSENT OF ASSIGNEE FOR REISSUE APPLICATION**

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

I certify that Monsanto Technology LLC is the assignee of the entire interest in the reissue application Serial No. 10/622,201, based on U.S. Patent No. 5,633,435. The assignment from the inventors to Monsanto Company was recorded September 13, 1994, at reel 7238, frame 0908. The assignment from Monsanto Company to Monsanto Technology LLC was recorded December 12, 2001, at reel 12350, frame 0232.

Monsanto Technology LLC consents to this reissue application of U.S. Patent No. 5,633,435.

I am authorized to act on behalf of assignee Monsanto Technology LLC.

Date: June 3, 2004

Grace L. Bonner  
Grace L. Bonner  
Intellectual Property Counsel

MONSANTO TECHNOLOGY LLC